

**NOTE:**

SMART SENTENCING INVOLVES  
USING THE LATEST IN STATISTICS,  
INFORMATION, RESEARCH FINDINGS AND  
EVIDENCED-BASED PRACTICE TO MAKE  
INFORMED DECISIONS ABOUT HOW TO  
PUNISH CRIMINAL BEHAVIOR.

THE SENTENCING ADVISORY  
COMMISSION HAS LAUNCHED THIS  
PERIODIC BULLETIN TO KEEP JUDICIAL  
DECISION MAKERS CURRENT AS TO  
THE LATEST INFORMATION RELATED  
TO SENTENCING PRACTICES AND THEIR  
IMPACTS. THE BULLETIN IS BEING  
DISTRIBUTED TO JUDGES, PROSECUTORS,  
PUBLIC DEFENDERS, PROBATION  
OFFICERS AND THE PUBLIC VIA EMAIL  
AND ON THE SAC WEB SITE AT  
[WWW.MOSAC.MO.GOV](http://WWW.MOSAC.MO.GOV).

COMMENTS AND SUGGESTIONS ARE  
WELCOME AND SHOULD BE SENT TO  
[SMART.SENTENCING@COURTS.MO.GOV](mailto:SMART.SENTENCING@COURTS.MO.GOV).

**MOSAC**  
*Is dedicated to supporting  
public safety, fairness and  
effectiveness in criminal  
sentencing.*

## SMART SENTENCING

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### *THE OVERUSE OF PRISONS FOR NONVIOLENT OFFENDERS: EXCERPT FROM CHIEF JUSTICE PRICE'S STATE OF JUDICIARY SPEECH*

Perhaps the biggest waste of resources in all of state government is the over-incarceration of nonviolent offenders and our mishandling of drug and alcohol offenders. It is costing us billions of dollars and it is not making a dent in crime.

...In 1994, shortly after I came to the court, the number of nonviolent offenders in Missouri prisons was 7,461. Today it's 14,204. That's almost double. In 1994, the number of new commitments for nonviolent offenses was 4,857. Last year, it was 7,220 – again, almost double. At a rate of \$16,432 per offender, we currently are spending \$233.4 million a year to incarcerate nonviolent offenders – not counting the investment in the 10 prisons it takes to hold these individuals at \$100 million per prison. In 1994, appropriations to the department of corrections totaled \$216,753,472. Today, it's \$670,079,452. The amount has tripled. And the recidivism rate for these

individuals, who are returned to prison within just two years, is 41.6 percent.

...[T]he simple fact is, we are spending unbelievable sums of money to incarcerate nonviolent offenders, and our prison population of new offenders is going up, not down – with a recidivism rate that guarantees this cycle will continue to worsen at a faster and faster pace, eating tens of millions of dollars in the process. Missouri cannot afford to spend this much money without getting results.

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are following a broken  
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cycle of crime.**

The problem is not with the administrators of the prisons. ... [They are] excellent at their work, as are their staffs. The problem is... we are following a broken strategy of cramming inmates into prisons and not providing the type of drug treatment and job training that is necessary to break their cycle of crime. Any normal business would have abandoned this failed practice years ago, and it is costing us our shirts.

**Let me be clear – violent offenders need to be separated from us so they cannot hurt innocent men, women or children, regardless of the cost. I am not talking about them. I am talking about nonviolent offenders.**

Nonviolent offenders need to learn their lesson. I'm not against punishment. Most often, though, [nonviolent offenders]...need to be treated for drug and alcohol addiction and given job training. Putting them in a very expensive concrete box with very expensive guards, feeding them, providing them with expensive medical care, surrounding them with hardened criminals for long periods of time, and separating them from their families who need them and could otherwise help them does not work. Proof is in the numbers – 41.6 percent are back within two years.

Although this is a horrible Missouri problem, it is not just a Missouri problem. Republicans and democrats across the country are waking up. State Senator Stewart Greenleaf, a Republican from Pennsylvania, said, “What we have done with the laws we passed over the last 20 years is thrown our net out there too widely and picked up too many little fish. We filled our prisons with nonviolent, first-time offenders, and with no noticeable increase in public safety.” (NCSL Roundtable, Sept. 26, 2008.)

United States Senator Jim Webb, a democrat from Virginia, said, ‘Focus must be placed on locking up the most

dangerous people instead of diverting time and money to incarcerate the wrong people.’ (<http://webb.senate.gov>)

Newt Gingrich said, “We have to fundamentally rethink prisons.” (American Enterprise Institute forum, March 27, 2008.)

There is a better way. **We need to move from anger-based sentencing that ignores cost and effectiveness to evidence-based sentencing that focuses on results – sentencing that assesses each offender’s risk and then fits that offender with the cheapest and most effective rehabilitation that he or she needs.** We know how to do this. States across the nation are moving in this direction because they cannot afford such a great

waste of resources. Missouri must move in this direction, too.

Of course, we must be careful and deliberate. This effort will require statewide coordination and revision of a number of our statutes. It will require diverting some offenders from prison and removing others from prison more quickly – after they have learned their lesson, but before they are ruined by worse offenders and before they lose their ability to return to their communities, their families, and hopefully, jobs.

**We need to move from anger-based sentencing ...to evidence-based sentencing...**

– Excerpted from State of Judiciary speech, Chief Justice William Ray Price Jr., Joint Session of the Missouri General Assembly, Feb. 3, 2010.

## **WANT TO LEARN MORE?**

Plan to attend **Evidence-Based Sentencing Practices to Reduce Recidivism** led by Judge Roger Warren, president emeritus of the National Center for State Courts, and sponsored by the Missouri Sentencing Advisory Commission. The program is approved for 6.6 hours of CLE.

**When:** Friday, February 26, 2010

**Where:** Country Club Hotel and Spa, Lake Ozark, MO

**For more information and to register for the training go to <http://www.mosac.mo.gov/page.asp?id=97>**